

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CHANDRA EVANS,)	
)	
Plaintiff,)	
)	
v.)	No. 09-2491
)	
WALGREEN COMPANY,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

On December 19, 2010, Defendant Walgreen Company ("Walgreens") filed a Motion for Sanctions under Rule 11 of the Federal Rules of Civil Procedure ("Rule 11 Motion"). (Rule 11 Motion, ECF No. 72.) This court referred the Motion to Magistrate Judge Tu M. Pham on December 13, 2010 (Order of Reference, ECF No. 73), and Magistrate Judge Pham recommended denial on August 18, 2011. (Report and Recommendation, ECF No. 140 ("Report").) For the following reasons, the Court DENIES Walgreens' Motion for Sanctions and ADOPTS the Magistrate Judge's Report.

Walgreens' Rule 11 Motion seeks sanctions against Evans' counsel. (See Def.'s Mot. for Sanctions Under Rule 11 of the F.R.C.P., ECF No. 72 ("Mot.for Sanctions").) Walgreens contends that Evans filed a motion for sanctions frivolously and accused

Walgreens' counsel of "unethical conduct". (Mot. for Sanctions 3.) On August 18, 2011, Magistrate Judge Pham found that the actions of Evans' attorney were not unreasonable and recommended against sanctions. (Report 11.) Neither party has objected to the ruling.

"It is well-settled that upon proper objection by a party, a district court must review de novo a magistrate judge's ruling on a motion to suppress." United States v. Quinney, 238 F. App'x 150, 152 (6th Cir. 2007) (citations omitted); see also 28 U.S.C. §636(b)(1) (instructing district judges to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). The district court need not review, under a de novo or any other standard, those aspects of a magistrate judge's report and recommendation to which no specific objection is made. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985); United States v. Robinson, 352 F. App'x 27, 28-29 (6th Cir. 2009).

28 U.S.C. § 636(b)(1) allows each party fourteen days from receipt of service to appeal the report. "[A] party must file objections to the magistrate judge's report and recommendation within the time permitted, or else waive the right to appeal." United States v. Vanwinkle, 645 F.3d 365, 371 (6th Cir. 2011); see also Smith v. Nationwide Mut. Fire Ins. Co., 410 F. App'x 891, 896 (6th Cir. 2010) (finding that plaintiffs waived their

right to appeal by failing to object to magistrate judge's ruling). The Report was filed on August 16, 2011, and neither party has filed an objection.

The Court ADOPTS the Report and Recommendation of the Magistrate Judge and DENIES Walgreens' Motion for Sanctions.

So ordered this 22nd day of September, 2011.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE